



Office of the
Information Commissioner

Freedom of information for Western Australia

ANNUAL REPORT

2017/2018

Key Performance Indicators

Certification of Key Performance Indicators

We hereby certify that the key performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the performance of the Office of the Information Commissioner, and fairly represent the performance of the Office of the Information Commissioner for the financial year ended 30 June 2018.

Catherine Fletcher
Acting Information Commissioner

28 August 2018

Tony Pruyn
Complaints Coordinator

28 August 2018



Government Goal

Strong Communities:

Safe communities and supported families.

Desired outcome

Access to documents and observance of processes in accordance with the FOI Act.

Description

Under the FOI Act, the main function of the Commissioner is to provide independent external review of agencies' decisions by dealing with complaints about decisions made by agencies under the FOI Act. The Commissioner's other responsibilities include:

- ensuring that agencies are aware of their responsibilities under the FOI Act;
- ensuring members of the public are aware of the FOI Act and their rights under it;
- providing assistance to members of the public and agencies on matters relevant to the FOI Act; and
- recommending to Parliament legislative or administrative changes that could be made to help the objects of the FOI Act to be achieved.

The OIC is made up of the Commissioner and the staff appointed by the Governor to assist the Commissioner to discharge those functions and responsibilities under delegated authority. These functions take the form of two outputs.

Service 1: Resolution of Complaints

Service 2: Advice and Awareness

The intent of the FOI Act is to ensure that proceedings on external review are conducted with as little formality and technicality as the requirements of the FOI Act and a proper consideration of the matters before the Commissioner permit. Therefore, when dealing with complaints, the policy of the Commissioner is to ensure that wherever possible the conduct of external review proceedings is not unduly legalistic or formal. Accordingly, the preferred method of resolving complaints is by negotiating a conciliated outcome between the parties. However, where a conciliated outcome cannot reasonably be achieved, the Commissioner is required to make a determination and will either publish a written decision with reasons or decide to stop dealing with a matter which is lacking in substance under section 67 of the FOI Act.

Officers delivering the Advice and Awareness output also emphasise the spirit of the FOI Act when delivering advisory services. Wherever possible, agencies are encouraged to release information outside the FOI process where it is reasonable to do so or, where necessary, to follow the correct processes for dealing with an access application or an

application for amendment of personal information under the FOI Act. Policy development within agencies which establishes routine information disclosure outside formal FOI processes is encouraged so that the impact of the obligations placed on agencies by the FOI Act on the day-to-day operations of those agencies is minimised. Many potential disputes are also resolved informally with assistance from the OIC.

The Performance Indicators (**the PIs**) of the OIC detailed below have been designed to reflect the satisfaction of parties who utilise the services of the OIC, show the extent to which conciliation is achieved and measure efficiency by relating workload to costs. There are three Effectiveness PIs and two Efficiency PIs, which are summarised below:

Effectiveness performance indicators

1. Satisfaction of parties with external review process.
2. Satisfaction of agencies with advice and guidance provided.
3. The extent to which complaints were resolved by conciliation.

Efficiency performance indicators

4. Average cost of external reviews finalised.
5. Average cost of advisory services delivered per recipient.

Effectiveness performance indicators

Satisfaction of parties with external review process

	2013	2014	2015	2016	2017	2018
Target	80%	80%	80%	80%	85%	85%
Outcome	86%	85%	86%	86%	88%	80%

The above indicator shows the level of satisfaction with the external review process by the parties to each of the complaints finalised during the year.

A Post Review Questionnaire (**PRQ**) is sent to the parties to an external review to seek their views on whether there was an independent, objective and fair process with an emphasis on user-friendly processes which met their needs. Four key questions are asked:

1. Were you satisfied with the outcome of the external review?
2. Regardless of the outcome, were you satisfied with the manner in which the external review was conducted by the Office of the Information Commissioner?
3. Do you consider that you were kept adequately informed regarding the progress of the external review?

4. Was the officer assigned to the external review professional in his or her dealings with you?

A PRQ was sent to 276 parties who participated in an external review process following finalisation of the review process. 123 participants returned a completed PRQ. 65 responses were received from agencies and 58 were received from complainants.

The outcome of answers to question 2 above is used to calculate this indicator. The answers to questions 1, 3 and 4 are also used by the OIC, but for internal management purposes. Information in response to all four questions is taken into account when reviewing external review procedures.

Of the 123 respondents, 99 (80%) answered 'yes' to question 2 and confirmed that they were satisfied with the manner in which the external review was conducted by the OIC.

Satisfaction of agencies with advice and guidance provided

	2013	2014	2015	2016	2017	2018
Target	98%	98%	98%	98%	98%	98%
Outcome	98%	98%	98%	99%	98%	99%

The Advice and Awareness section of the OIC provides a range of advisory services. Those services are provided direct by telephone, email and counter enquiries and through group training presentations and briefings and indirectly through published information and the internet website of the OIC.

A survey is conducted on an annual basis in conjunction with the annual statistical returns of agencies. The survey was sent to each of 270 State and local government agencies and Ministers. Of the 270 surveys sent, 252 agencies (93%) responded by returning a completed survey. Of the 252 respondent agencies, 202 (80%) confirmed receiving advice and guidance from this office.

Of those 202 agencies that received advice, 201 agencies (99%) expressed satisfaction with the advice and guidance provided to them by this office.

The extent to which complaints were resolved by conciliation

The external review model adopted by the OIC emphasises informal resolution processes such as negotiation and conciliation, wherever possible. If a complaint cannot be resolved by conciliation between the parties to the complaint, the Commissioner is required to make a formal determination.

The PI set out in 1.3 is designed to represent the success rate of the preferred resolution method. Therefore, the PI shows, as a percentage, those complaints finalised by conciliation as opposed to those complaints that required a decision by the Commissioner.

	2013	2014	2015	2016	2017	2018
Target	60%	60%	60%	60%	60%	60%
Outcome	68%	70%	54%	70%	69%	77%

In total, 420 matters of all types were finalised by the OIC in 2017/18. However, of those 420 matters, only 143 were complaints, as defined in section 65 of the FOI Act. Of the 143 complaints resolved in 2017/18, 110 (77%) were resolved by conciliation. That is, as a result of inquiries conducted by the OIC, no issues remained in dispute which required a decision by the Commissioner.

Note: As a result of a review of the Performance Indicators that was conducted in February 2018, the target for 2018/19 has been increased from 60% to 70%.

Efficiency performance indicators

Although the OIC notionally has 11.4 FTEs, it effectively operated in the year with 10.2 FTEs to deliver services under the two main functions prescribed by the FOI Act. As the

primary function of the OIC is to deal with complaints received under the FOI Act, approximately 68% of the OIC's resources are allocated to the complaint resolution (external review) function. The other main function of the OIC is to provide advisory services to agencies and to the public. About 32% of the OIC's resources are allocated to the delivery of advice and awareness services.

Output 1 - Resolution of Complaints Average cost of external reviews finalised

Included in calculating this PI are only those matters dealt with by the Resolution of Complaints section of the OIC in 2017/18 which were technically formal 'complaints' (see section 65 of the FOI Act) and applications that required a determination under the FOI Act rather than general complaints or requests for assistance that are not technically 'complaints' as per the FOI Act. General requests for assistance or for the intervention of the OIC, including misdirected applications, are reported on as part of the output of the Advice and Awareness Services. Most of those kinds of matters are dealt with by officers in the Advice and Awareness section of the OIC.

	2013	2014	2015	2016	2017	2018
Budget	\$7,455	\$8,067	\$7,946	\$11,133	\$8,067	\$9,190
Actual	\$9,909	\$8,094	\$8,021	\$7,751	\$8,844	\$8,075

The table above reflects the costs incurred in resolving complaints and applications (e.g. to lodge a complaint out of time; permission not to consult; etc.) that may require a determination. It is calculated by dividing the number of complaints and applications resolved by the OIC in 2017/18 (196) into the 'cost of services' for the Resolution of Complaints output.

Note: The variation in the actual average cost is primarily due to the fluctuations in the number and complexity of matters received and resolved each financial year together with lower costs incurred due primarily to temporary reduced staffing levels.

Output 2 – Advice and Awareness Services

Average cost of advisory services delivered per recipient

In calculating this PI, the total output units delivered by the Advice and Awareness section of the OIC in 2017/18 was used. The output units recorded by the OIC relate to where direct advisory services were provided. Those units will consist of a total of all telephone calls attended, written advice

given by email and letter, counter inquiries attended and recipients of training and briefings.

	2013	2014	2015	2016	2017	2018
Budget	\$208	\$240	\$312	\$208	\$268	\$240
Actual	\$294	\$236	\$228	\$262	\$251	\$249

The table above reflects the average cost of providing advice and awareness services to recipients. It is calculated by dividing the total number of recipients of advice and awareness services provided by the OIC in 2017/18 (2,996) into 'cost of services' for the Advice and Awareness output.